

FOURTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 23, 1884.

Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
On motion of Senator Collins,
The reading of yesterday's journal was dispensed with, and
The journal was adopted.
Senator Collins, chairman of Committee on Stock and Stockraising, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 2, entitled "An act to regulate the grazing of stock, and to prescribe and provide for enforcing penalties for its violation," and Senate bill No. 66, entitled "An act to control and dispose of all the land heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the lands classed as timbered," have carefully examined the same, and a majority of the committee instruct me to report Senate bill No. 66 back as a substitute for Senate bill No. 2, and recommend that it do pass, with the accompanying amendments:

All of which is respectfully submitted.

COLLINS, Chairman.

COMMITTEE AMENDMENTS.

Amend section 2. Strike out "one hundred and sixty," whenever it occurs in the section, and insert "six hundred and forty."

Substitute section 9 as follows:

SEC. 9. Persons having school lands enclosed and having their stock thereon on the first day of January, 1884, shall have the preference to lease said land so enclosed by them, at the price of five cents per acre per annum, and they shall have ninety days from the passage of this act to make application to lease the same; provided, that when such application to lease said land is made, the person making such application shall file with the same his affidavit, describing the land he has so enclosed, and the date that he enclosed the same. And the superintendent may require additional evidence when not fully satisfied with the affidavit of the applicant; provided, that no person shall have the benefit of the preference to lease such enclosed land, unless he shall have first paid to the State Treasurer, at the rate of twenty-five dollars per section per annum, for each tract of land so enclosed by him, from the time the same was enclosed until the first day of January, 1884.

Substitute section 11:

SEC. 11. Any person the head of a family shall have the right to enter upon not to exceed 640 acres of land herein leased, and, by making an affidavit describing the land desired, and that it is his bona fide intention to become an actual settler thereon, the county surveyor, upon request and the payment of legal fees, shall survey the land so settled upon and applied for, and, with plot and field notes, together with the affidavit of the applicant, return the same to the General Land Office, after having recorded the same; and thereafterwards by occupancy, improvements and residence thereon for a period of three years from the date of entry, and by the payment to the State of two dollars per acre for land of an unwatered section, or three dollars if watered, he shall be entitled to a patent therefor; or at such actual settler's option, he may have thirty years time to pay the same under the terms and conditions of section 9 of an "Act to provide for the classification, sale and lease of the land heretofore surveyed and set apart for the benefit of the common school fund," approved April 12, 1883. In case such entry is upon a watered section, such actual settler shall not have the right to enclose the water thereon,

but the same shall be used in common by the actual settler and the lessee or lessees of the adjoining lands; and such actual settler, by virtue of his settlement, shall have the right to graze at large upon said lands at the rate of fifty head of horses or cattle for each one hundred acres of land so settled upon and purchased.

Bill and committee amendments read first time, and 100 copies ordered printed.

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 54, entitled "An act to prevent live stock from running at large in certain subdivisions of the State," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

COLLINS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 65, entitled "An act to make it unlawful hereafter for any person to enclose any land not his own nor under his control, and to provide ample redress in all cases wherein such land may have been so enclosed heretofore," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass, with the following amendment:

Insert, after the word "repair," in line 21, page 3, section 2, the following: "If neither of the previous propositions be acceptable to the owner or his agent, then the person who shall have enclosed said land shall propose to the owner of said land, or his agent, to pay double the minimum price fixed by the State for the purchase of free school lands for a title to said land."

All of which is respectfully submitted.

COLLINS, Chairman.

Bill and committee amendment read the first time, and one hundred copies ordered printed.

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 14, entitled "An act to regulate estrays," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

COLLINS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 53, entitled "An act to adjust the rights of land owners," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

COLLINS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 64, entitled "An act to make it unlawful for any person to turn out of an enclosure their live stock to range at large upon the outside," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass, with the following amendment: Insert after the word

"enclosure," line 4, section 1, the words "of one thousand acres or more."

All of which is respectfully submitted.

COLLINS, Chairman.

Bill and committee amendment read first time, and 100 copies ordered printed.

On motion of Senator Fleming, 100 copies of Senate bill No. 65, an act entitled "An act to make it unlawful hereafter for any person to enclose any land not his own nor under his control, and to provide ample redress in all cases wherein such land may have been so enclosed heretofore," were ordered printed.

Senator Fleming, chairman of Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 22, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred House joint resolution requesting our Senators and Representatives in Congress to assist in opening the western cattle trail, which passes through the Cheyenne and Arrapahoe reservations in the Indian Territory, have carefully examined the same and instruct me to report the same back with the recommendation that it do pass.

FLEMING, Chairman.

Read first time.

Senator Fleming presented a petition from the citizens of Brown county, protesting against a herd law.

Referred to Committee on Stock and Stockraising.

Senator Davis, chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bills Nos. 32 and 44, relating to the establishment and maintenance of a system of public free schools in the State of Texas, have considered said bills, and a majority of said committee instruct me to report said bills back to the Senate with the bill attached to this report as a substitute for them, with the recommendation that said substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

On motion of Senator Fleming, 300 copies of the substitute-bill were ordered printed.

On motion of Senator Pope,

The bill was made the special order for Tuesday morning next, after morning call, and from day to day till disposed of.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 60, entitled "An act to amend articles 4380 and 4390 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of said committee instruct me to report the same back with the following amendments, viz: Amend article 4390 so as to read: "Art. 4390. If the commissioners' court deem such neighborhood road of sufficient importance to the public, they shall order the damages to be allowed to the owners of lands injured thereby to be paid out of the county treasury; but if otherwise, the same shall be paid by the applicant or applicants for such roads;" and recommend that said bill thus amended do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill and committee amendment read first time.

Senator Collins moved that Senate bill No. 66, "An act to control and dispose of all the lands heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the land thereof classed as timbered," was made the special order for to-morrow, after the morning call.

Adopted.

Senator Pfeuffer, chairman of Finance Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 33, entitled "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March, 1883, to February 29, 1884, being for deficiencies set forth in the proclamation of the Governor for the special session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Davis introduced a bill to be entitled "An act to amend section 16 of 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

Referred to Committee on Judicial Districts.

Senator Traylor introduced a bill prescribing a penalty for ordering a citizen to leave the country, or ordering him to remove his stock therefrom.

Referred to Judiciary Committee No. 2.

Senator Fowler moved to postpone the special order and take up the motion of Senator Houston, to reconsider the vote adopting substitute Senate bill No. 19, "An act to further prescribe the powers and duties of the officers, non-commissioned officers, and privates of the frontier battalion, and to make an appropriation to defray the expenses of said battalion and of the State militia."

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed by the House to inform the Senate of the passage by the House of House joint resolution No. 18, "requesting our Senators and Representatives in Congress to use their best efforts to procure the passage by Congress at its present session of an act for the improvement of the entrance to Galveston harbor, on the basis of the pending proposition of Capt. J. B. Eads."

Respectfully,

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House refuses to concur in the Senate's amendment to House concurrent resolution No. 2, instructing our Senators and Representatives in Congress to provide for a court to try offences committed in the Indian Territory, and that the Senate is respectfully asked to recede from said amendment.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Fowler's motion to postpone was adopted by the following vote:

YEAS—16.

Chesley,	Gooch,	Matlock,
Collins,	Harris,	Perry,
Evans,	Houston,	Pfeuffer,
Fleming,	Johnson of Collin,	Pope,
Fowler,	Martin,	Stratton,
Gibbs,		

NAYS—6.

Davis,	Getzendaner,	Shannon,
Farrar,	Randolph,	Traylor,

The motion to reconsider substitute Senate bill No. 19 was withdrawn.

Bill read third time.

Senator Traylor moved to lay Senate substitute bill No. 19, and amendments, on the table.

Lost by the following vote:

YEAS—6.

Davis,	Farrar,	Randolph,
Evans,	Johnson of Collin,	Traylor,

NAYS—16.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pfeuffer,
Collins,	Houston,	Pope,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,		

Senator Martin moved that 100 copies of the bill be printed, and bill made the special order for tomorrow at 11 o'clock, a. m.

Adopted.

On motion of Senator Getzendaner,

The Senate went into executive session.

IN SENATE.

Senate bill No. 36, "An act to require the commissioners' courts to lay out and open certain first class roads," which was the special order for this hour, was taken up.

Senator Patton moved to adopt the majority committee report.

Senator Matlock offered the following amendment:

Amend section 5 by adding thereto the following:

That where the county is unorganized the owners of fences shall not be required to remove them until such county shall become organized, and not then until fifty residents of such county shall petition the commissioners' court for the removal of such fences; provided, that at all times the owners of such fences shall have at the crossing of such road convenient gates, not less than twelve feet wide.

Senator Martin offered the following amendment to the amendment of Senator Matlock:

Amend by striking out "fifty," and insert "ten."

Lost by the following vote:

YEAS—7.

Getzendaner,	Martin,	Pope,
Gibbs,	Pfeuffer,	Randolph,
Harris,		

NAYS—17.

Buchanan,	Fleming,	Patton,
Chesley,	Fowler,	Peacock,
Collins,	Gooch,	Perry,
Davis,	Houston,	Shannon,
Evans,	Johnson of Collin,	Traylor,
Farrar,	Matlock,	

And amendment of Senator Matlock adopted.

Senator Patton offered the following amendments:

In section 1, line 2, strike out "respective" and insert "several."

Adopted.

In section 1, line 2, between the words "that" and "first," insert "at least one," and in line 3 strike out "one" and insert "is."

Adopted.

In section 1, line 4, between "their" and "counties," insert "respective."

Adopted.

In section 1, line 4, between the words "most" and "practicable," insert "direct and."

Adopted.

In section 1, line 5, strike out "the" before "adjacent," and insert "each," and change "counties" into "county."

Adopted.

Senator Harris offered the following amendments:

Amend by adding to section 2 the following: "And establish monuments at convenient intervals."

Adopted.

Amend by adding to section 4 the following: "Provided such change will not divert the road more than one-quarter of a mile from a direct line."

Adopted.

Senator Buchanan offered the following amendments:

Strike out the word "same," in line 24, page 2, and insert the word "sworn."

Withdrawn.

At the end of section 7, strike out the words "to better serve the public interest," and add, in place thereof, the following: "for the purpose of securing a better and more direct route."

Adopted.

Senator Traylor offered the following amendment:

Add the following to section 4: "Provided, further, that in all cases the owner or owners of lands over which such roads shall pass shall have the right of appeal to the district court, where the same shall be tried, by first giving a bond in a sufficient amount to cover all costs; and if a greater amount of damages is there obtained, the county shall pay the excess and the costs; but if no greater damages are obtained, the party taking the appeal shall pay all costs; provided, that such appeal shall in no case delay or prevent the immediate opening of such road after the damages assessed as above have been tendered."

Adopted.

Senator Gooch offered the following amendment:

Amend section 1, line 3, by striking out the words "at least sixty feet wide," and insert "of the width prescribed by law."

Adopted.

Senator Matlock offered the following amendment:

Add to section 1, "without the consent of the owner."

Adopted.

Senator Traylor offered the following amendment:

Amend by adding the following to section 8: "and then only after an actual view by a majority of

the commissioners' court of that portion of the road sought to be changed."

Adopted.

Senator Fowler offered the following amendment: Amend by inserting after the word "counties," in line 5, section 1, the following: "where no part of another county intervenes between the county seats of such counties."

Adopted.

Senator Patton offered the following amendment:

Add, "Section 8. The present impracticable condition of the public roads in some parts of the State rendering public travel difficult and dangerous, and obstructing communication between the different counties and subdivisions of the State, creates an imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended; and an emergency that this bill take effect and be in force from and after its passage, and it is so enacted."

Adopted.

Senator Traylor offered the following amendment: Amend by adding the following to section 7:

"And any person summoned as viewer as provided in this act, who shall fail or refuse to perform the service required of him by law as such viewer, shall be fined for contempt by the commissioner's court, for every such failure, not less than five dollars nor more than ten dollars, to be collected as other fines are collected; provided, that all reasonable excuses shall be heard."

Adopted.

Senator Houston offered the following amendment:

In line 11, section 5, strike out the words "less than — thousand acres."

Senator Getzendaner offered the following substitute for Senator Houston's amendment:

Amend section by inserting in second blank "2000."

Withdrawn.

Senator Peacock offered the following amendment to Senator Houston's amendment:

Amend section 3 by striking out all after the word "Statutes," in line 9.

Adopted, and then adopted as part of the bill.

Senator Traylor offered the following amendment:

In section 1, line 11, between the words "at" and "the," insert "or near."

Withdrawn.

Senator Martin offered the following amendment:

After the word "counties," in line 5, page 1, insert "and to meet the nearest public road, if any, already established in such adjacent county on the county line."

Lost.

Senator Chesley offered the following substitute:

Amend section 2 by adding the following: "Before marking out such road the jury of view shall agree with the jury of view of the adjacent county upon some point upon the dividing line of their respective counties for said road to be laid out."

Withdrawn, and

Amendment of Senator Martin lost.

Senator Chesley offered the following amendment:

"Provided, that where county seats are connected

by railroad, the commissioners' court may, in their discretion, omit the laying out of said road, where the same is deemed unnecessary for public convenience."

Senator Matlock moved the previous question on the pending amendment and the bill.

Motion seconded, and

The main question was ordered.

Senator Chesley's amendment was lost, by the following vote:

YEAS—5.

Chesley,	Martin,	Stratton.
Jones,	Perry,	

NAYS—20.

Buchanan,	Getzendaner,	Peacock,
Collins,	Gibbs,	Pfeuffer,
Davis,	Harris,	Pope,
Evans,	Houston,	Randolph,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Matlock,	Traylor.
Fowler,	Patton,	

The bill was ordered engrossed by the following vote:

YEAS—17.

Davis,	Harris,	Pfeuffer,
Evans,	Houston,	Pope,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Matlock,	Shannon,
Getzendaner,	Patton,	Traylor.
Gibbs,	Peacock,	

NAYS—7.

Chesley,	Jones,	Perry,
Collins,	Martin,	Stratton.
Fowler,		

On motion of Senator Patton,

The rules were suspended, and

The bill was placed on its third reading, by the following vote:

YEAS—21.

Collins,	Gibbs,	Peacock,
Davis,	Harris,	Pfeuffer,
Evans,	Houston,	Pope,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Jones,	Shannon,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.

NAYS—3.

Chesley,	Martin,	Perry.
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Bill read third time.

Senator Stratton offered the following amendment:

After the word "counties," in section 1, line 5, amend by inserting: "Provided, the public interest and convenience of said counties require such roads."

Lost by the following vote:

YEAS—7.

Chesley,	Jones,	Perry,
Davis,	Martin,	Stratton.
Fowler,		

NAYS—19.

Buchanan,	Gooch,	Peacock,
Collins,	Harris,	Pfeuffer,
Evans,	Houston,	Pope,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Matlock,	Shannon,
Getzendaner,	Patton,	Traylor.
Gibbs,		

Senator Matlock offered the following amendment:

Amend section 3 by inserting in the first blank "4371."

Adopted by the following vote:

YEAS—23.

Buchanan,	Gibbs,	Patton,
Collins,	Gooch,	Peacock,
Davis,	Harris,	Pfeuffer,
Evans,	Houston,	Pope,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Jones,	Shannon,
Fowler,	Martin,	Traylor,
Getzendaner,	Matlock,	

NAYS—3.

Chesley,	Perry,	Stratton,
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Also the following:

Amend section 5 by inserting in the blank the word "nine."

Adopted by the following vote:

YEAS—23.

Buchanan,	Gibbs,	Patton,
Collins,	Gooch,	Peacock,
Davis,	Harris,	Pfeuffer,
Evans,	Houston,	Pope,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Jones,	Shannon,
Fowler,	Martin,	Traylor,
Getzendaner,	Matlock,	

NAYS—2.

Perry,	Stratton.
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Bill passed by the following vote:

YEAS—20.

Buchanan,	Gibbs,	Peacock,
Collins,	Gooch,	Pfeuffer,
Davis,	Harris,	Pope,
Evans,	Houston,	Randolph,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Matlock,	Traylor,
Getzendaner,	Patton,	

NAYS—6.

Chesley,	Jones,	Perry,
Fowler,	Martin,	Stratton.

Senator Pfeuffer moved to suspend the rules to take up House bill No. 33, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1883, to February 29, 1884, being the deficiencies set forth in the proclamation of the Governor for the special session of the Eighteenth Legislature."

Adopted, and

The bill was taken up.

On motion of Senator Pfeuffer,

The bill was re-referred to Finance Committee.

On motion of Senator Davis,

The Senate adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

No quorum being present,

Senator Houston moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—9.

Chesley,	Houston,	Pfeuffer,
Collins,	Martin,	Pope,
Fleming,	Patton,	Stratton.

NAYS—10.

Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Matlock,	Traylor.
Getzendaner,		

Senator Pope moved to adjourn till to-morrow at 10 o'clock, a. m.

On said motion the following vote was cast:

YEAS—10.

Chesley,	Houston,	Pfeuffer,
Collins,	Martin,	Pope,
Fleming,	Patton,	Stratton.
Gooch,		

NAYS—10.

Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Pandolph,
Farrar,	Matlock,	Traylor.
Getzendaner,		

The vote being a tie vote, the President voted in the negative, and the motion was lost.

A quorum was announced.

Senator Traylor moved to excuse Senators Cooper, Gibbs and Fowler indefinitely, on account of sickness.

Adopted.

On motion of Senator Matlock,

Senator Terrell was excused till Monday next, on account of important business.

Senator Chesley moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—9.

Buchanan,	Fleming,	Patton.
Chesley,	Houston,	Pope,
Collins,	Martin,	Stratton.

NAYS—12.

Davis,	Gooch,	Perry,
Evans,	Harris,	Pfeuffer,
Farrar,	Johnson of Collin,	Randolph,
Getzendaner,	Matlock,	Traylor.

Senator Matlock moved to suspend the regular order of business and take up Senate bill No. 35, "An act to amend section 30 of an act entitled 'an act to redistrict the State into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 8, 1883."

Lost.

Senator Davis moved to suspend the regular order of business and take up Senate bill No. 21, "An act to amend article 420 of the Revised Statutes, so as to authorize incorporated cities and towns to issue bonds to build public school houses."

The Senate refused to suspend.

Senate bill No. 4, "An act to provide for the representation of Texas at the World's Fair, to be held at New Orleans in the month of December, 1884," being the special order, was laid before the Senate,

Senator Houston moved a call of the Senate.

Call seconded.

Roll called.

Absent: Senators Jones and Shannon.

The pending business went to the table.

The President laid before the Senate Senate bill No. 21, "authorizing incorporated cities and towns to issue bonds to build public school houses," on its third reading.

Bill read third time and passed.

The President laid before the Senate Senate bill No. 25, "An act to prevent persons from entering the lands of others and hunting and fishing therein in certain instances."

Bill read third time.

Senator Houston moved a call of the Senate.

Call seconded.

Roll called.

Absent: Senators Jones and Shannon.

The pending business went to the table.

The following reasons for voting against the passage of Senate bill No. 36, this morning, were asked to be printed in the journal:

We, the undersigned, vote "no" on the final passage of Senate bill No. 36, in reference to the public roads, because we believe that under its mandatory features that discretion over such matters is taken away from the county commissioners' courts of the several counties of this State, which of right belongs to them, as the local tribunals having jurisdiction of such matters. That said courts are entrusted with the finances and general management of the affairs of their respective counties, and will, in the future, as in the past, take care of the best interests of their counties. That such courts know better than others the wants and necessities, the public convenience, and interests of their respective counties. Besides the mandatory features of the bill will force the commissioners' courts to incur debts against their counties not necessary, and to lay out roads not required by the public convenience, and we deem the same wholly impracticable.

A. E. STRATTON, JR.,
J. S. PERRY.

The President referred House joint resolution No. 18, requesting our Senators and Representatives in Congress to use their best efforts to procure the passage by Congress at its present session of an act for the improvement of the entrance to Galveston harbor, on the basis of the pending proposition of Capt. J. B. Eads, to Committee on Federal Relations.

Senator Traylor moved to suspend the call of the Senate.

Upon which the vote stood as follows:

YEAS—16.

Buchanan,	Getzendaner,	Matlock,
Collins,	Gooch,	Peacock,
Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Martin,	Traylor.
Fleming,		

NAYS—6.

Chesley,	Patton,	Pope,
Houston,	Pfeuffer,	Stratton.

Senator Houston raised a point of order that five votes could defeat the motion to suspend a call.

Point of order sustained by the Chair.

Senator Davis moved to excuse the absent Senators.

Adopted by the following vote:

YEAS—15.

Buchanan,	Getzendaner,	Matlock,
Collins,	Gooch,	Peacock,
Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Martin,	Traylor.

NAYS—7.

Chesley,	Patton,	Pope,
Fleming,	Pfeuffer,	Stratton.
Houston,		

Senator Chesley moved to lay the bill on the table.
Lost by the following vote:

YEAS—7.

Buchanan,	Patton,	Pope,
Chesley,	Peacock,	Stratton.
Houston,		

NAYS—14.

Collins,	Getzendaner,	Perry,
Davis,	Gooch,	Pfeuffer,
Evans,	Harris,	Randolph,
Farrar,	Johnson of Collin,	Traylor.
Fleming,	Matlock,	

Senate bill No. 25 passed by the following vote:

YEAS—12.

Buchanan,	Farrar,	Johnson of Collin,
Collins,	Fleming,	Matlock,
Davis,	Gooch,	Perry,
Evans,	Harris,	Stratton.

NAYS—10.

Chesley,	Patton,	Pope,
Getzendaner,	Peacock,	Randolph,
Houston,	Pfeuffer,	Traylor.
Martin,		

Senator Harris moved to suspend the regular order of business and take up House bill No. 30, "An act to amend section 40 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Adopted.

Bill read second time, and

Passed to its third reading.

On motion of Senator Harris,

The regular order of business was suspended, and Senate bill No. 35, "An act to amend section 30 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," was taken up and read second time.

Senator Matlock offered the following amendment:

Provided, that all judges heretofore elected or appointed, and whose terms of office shall not expire at the next general election, shall continue to hold their offices until the terms for which they were appointed or elected shall expire, and shall hold the courts in the district in which they reside.

Adopted.

Senator Matlock offered the following amendment:

The near approach of the close of the present session of the Legislature and the great amount of business requiring ac-

tion rendering it doubtful of the passage of the bill, and creating an imperative public necessity, justify the suspension of the constitutional rule, requiring bills to be read on three several days and said rule is so suspended.

Adopted, and

Bill, as amended, ordered engrossed.

Senator Matlock moved to suspend the rules to place bill on its final passage.

Adopted by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	King,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Matlock,	Traylor.
Getzendaner,		

NAYS—none.

Bill read third time and passed.

Senator Houston introduced a bill to be entitled "An act to protect the lands of those whose fences shall have been cut, injured or destroyed unlawfully, from trespass for six months thereafter."

Referred to Committee on Stock and Stockraising.

The President laid before the Senate House bill No. 11, "An act to amend article 413, chapter 2, title 43, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879," on its second reading.

Senator Chesley moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—11.

Buchanan,	Houston,	Pope,
Chesley,	Martin,	Shannon,
Collins,	Patton,	Stratton.
Getzendaner,	Perry,	

NAYS—12.

Davis,	Gooch,	Matlock,
Evans,	Harris,	Peacock,
Farrar,	Johnson of Collin,	Randolph,
Fleming,	Jones,	Traylor.

Bill read the second time.

On motion of Senator Harris,

The further consideration of the bill was postponed, and

The bill was made the special order after morning call on Friday next, and

One hundred copies of the bill ordered printed.

Senator Gooch moved to suspend the regular order of business and take up Senate bill No. 34, entitled "An act to amend an 'act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, A. D. 1884,' approved April 9, 1883, in so far as the same relates to the second and third judicial districts."

Adopted by the following vote:

YEAS—23.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pope,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Matlock,	Traylor.
Getzendaner,	Patton,	

NAYS—none.

The bill was read the second time.

Senator Gooch offered the following amendment: Add another section to read as follows:

SEC. —. The near approach of the end of the session creates a necessity for the suspension of the rule requiring this bill to be read on three several days, and it is suspended.

Adopted, and

Bill ordered engrossed.

On motion of Senator Gooch,

Rules were suspended to place bill on its third reading by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pope,
Davis,	Johnson of Collin,	Randolph,
Evans,	Martin,	Shannon,
Farrar,	Matlock,	Stratton,
Fleming,	Patton,	Traylor.
Getzendaner,		

NAYS—none.

Bill read third time and passed.

Senator Martin, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 19, being "An act to further prescribe the powers and duties of the officers, non-commissioned officers and privates of the frontier battalion and State detectives," etc., etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Harris, chairman of Committee on Judicial Districts, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 23, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 70, entitled "An act to amend section 16 of 'an act to redistrict the State into judicial districts, and fix the times of holding courts therein,' etc., have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that said substitute do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Davis moved to suspend the regular order of business, and take up the bill just reported.

Adopted, and

Bill taken up.

On motion of Senator Davis,

The substitute of the committee was adopted.

Bill read second time, and

Ordered engrossed.

On motion of Senator Davis,

Rules were suspended to place the bill on its third reading by the following vote:

YEAS—24.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Martin,	Shannon,
Fleming,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Houston introduced a bill, entitled "An act to authorize counties to issue bonds to fund their outstanding indebtedness incurred prior to the twenty-fourth day of September, 1883.

Referred to Committee on Finance.

The President laid before the Senate Senate bill No. 4, "An act to provide for the representation of Texas at the World's Fair, to be held at New Orleans in the month of December, 1884," being special order for this hour.

Read second time.

Senator Jones offered a substitute for the bill, and moved that one hundred copies of the substitute be printed, and that the bill be made the special order for Saturday morning next, after the morning call.

Adopted.

On motion of Senator Houston,

The Senate adjourned until to-morrow morning at 10 o'clock.

FIFTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 24, 1884.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Pope,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Collins, chairman of Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 71, entitled "An act to protect the lands of those whose fences shall have been cut, injured or destroyed unlawfully from trespass for six months thereafter," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

COLLINS, Chairman.

Bill read first time.

On motion of Senator Harris,

The Senate went into executive session to consider the appointments of the Governor postponed yesterday.

IN SENATE.

Senator Harris moved that the Secretary be instructed to inform the Governor that the Senate advises and consents to his appointments of notaries public, given below, and that the same be printed in the journal.

Adopted.

Austin county (9 vacancies)—Walter C. Cliett.

Angelina county (17 vacancies)—H. Rhodes.

Atascosa county (20 vacancies)—J. L. McCaleb.

Bandera county (19 vacancies)—B. F. Bellows, J. A. Anglin.

Brazoria county (15 vacancies)—J. T. Shannon, Sam H. Richardson, Geo. W. Meehan.

Bell county (2 vacancies)—J. Z. Miller, Jr., in place of L. C. Williams, D. L. Russell, place of R. L. Cole.

Blanco county (17 vacancies)—Jno. R. Brown.

Burleson county (12 vacancies)—Hugo Chotek.

Baylor county (19 vacancies)—D. R. Britt.

Brazos county (9 vacancies)—F. McDonald.

Coryell county (12 vacancies)—James H. Wicks, R. O. Talley, Hopkins L. Turney, J. C. Chrisman, M. S. Duffie.

Calhoun county (16 vacancies)—W. H. Woodward.

Collin county (5 vacancies)—H. C. Mack, in place of J. B. Lucas; P. B. Muse, failed to qualify; L. Butler, in place J. Forman, resigned.

Concho county (19 vacancies)—Arthur G. Nason, precinct No. 2; Thos. J. McCarthy, precinct No. 2; J. W. Ratchford, precinct No. 1; W. J. McLane, precinct No. 5.

Clay county (9 vacancies)—F. G. Bransford.

Caldwell county (11 vacancies)—A. B. Storey, in place of Wm. Safforrons; S. M. McCulloch.

Camp county (18 vacancies)—M. L. Morris, Charley Morris.

Cass county (13 vacancies)—J. I. S. Lacy, J. R. Glaze, J. P. Wood.

Cooke county (5 vacancies)—W. R. Bush, J. W. Hughes, T. J. Whaley, W. Windsor, jr., W. G. Daniel.

Dallas county (3 vacancies)—Henry Lathrop, vice R. H. West.

Denton county (3 vacancies)—John Baim, in place of John T. Gannin, left State; G. T. Walton, in place of John Hains; C. Jackson.

Dickens county (19 vacancies)—W. C. Dockum.

Eastland county (15 vacancies)—J. N. Campbell, S. Roach.

El Paso county (7 vacancies)—A. G. Foster, W. B. Brack, Frank E. Hunter.

Ellis county (2 vacancies)—Geo. H. Alderman, in place of Padget, left county.

Fisher county—Frank A. Powell.

Fannin county (3 vacancies)—James C. Evans, Wm. H. Cobb.

Fayette county (4 vacancies)—F. E. Dycus, A. F. Dornwell, C. T. Zapp, H. Zavisch.

Frio county (16 vacancies)—C. W. Gribble.

Galveston county (2 vacancies)—W. B. Wallis, (in place of Sampson, who did not qualify); N. B. Bendy, in place of H. P. Angel, resigned.

Guadalupe county (17 vacancies)—Geo. Webber, E. L. James.

Gillespie county (18 vacancies)—J. T. Estell.

Grimes county (5 vacancies)—Jas. H. Freeman.

Hardin county (20 vacancies)—W. E. Miller.

Hunt county (4 vacancies)—James H. Patterson, P. A. Norris, D. W. Yeager, Ben F. Looney.

Howard county (18 vacancies)—G. W. Walthall, S. H. Cowan.

Hays county (14 vacancies)—B. B. Rose.

Haskell county, attached to Throckmorton (1 vacancy)—W. Standefer.

Hamilton county (17 vacancies)—W. T. Walton.

Johnson county (7 vacancies)—J. M. Hall, A. Mathis, J. M. Hall, vice Paul C. Hudson, resigned; John B. Hudson.

Jack county (14 vacancies)—W. A. Hood.

Kendall county (18 vacancies)—Friedrich Hofheinz.

Kaufman county (2 vacancies)—W. H. Allen, H. W. Kyser.

Kerr county (17 vacancies)—Dawson A. Walker.

Leon county (12 vacancies)—John H. Perrin, James Fleming. Send commission to Guy's store.

Lubbock county (20 vacancies)—E. R. Dequasie.

Lavaca county—H. F. Kuhne.

Mitchell county (12 vacancies)—A. Maclean, J. J. Good, in place of A. S. James, left county; James L. Shepherd, W. S. Smallwood.